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FCC Mail Room

February 28, 2012

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Suite TW-A325  
Washington, DC 20554

Ref: EB Docket No. 06-36

Ms. Dortch,

Attached is the 2012 CPNI Certification filing from mindSHIFT Technologies, consisting of the following documents:

1. Executive attestation
2. Statement of company procedures for providing CPNI Data to a customer
3. Copy of customer executive authorization contract addendum for CPNI requests
4. Copy of "Acknowledgment Letter" sent to customer
5. Copy of mindSHIFT's mandatory employee acknowledgement of internal procedures

If there are any questions at all, please contact me. My information is below.

Sincerely,



Robert Lanier  
Product Manager  
mindSHIFT Technologies  
45610 Woodland Rd.  
Sterling, VA 20166  
Phone: 571-643-7035  
Email: [bob.lanier@mindshift.com](mailto:bob.lanier@mindshift.com)

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

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Annual 64.2009(e) CPNI Certification for 2012

Date filed: February 28<sup>th</sup>, 2012

Name of company covered by this certification: mindSHIFT Technologies

Form 499 Filer ID: 825979

Name of signatory: Mona G. Abutaleb

Title of signatory: President and Chief Operating Officer

I, Mona Abutaleb, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*


Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

If affirmative: Not Applicable. None taken

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

If affirmative: Not Applicable. None Received

Signed: 

Mona G. Abutaleb, President and COO, mindSHIFT Technologies

February 28, 2012

Addendum to: Annual 64.2009(e) CPNI Certification for 2012

Subject: Statement of Company Procedures For Providing CPNI Data

mindSHIFT Technologies follows specific procedures to ensure that any release of CPNI data is in compliance with the FCC's order dated April 2<sup>nd</sup>, 2007:

1. All mindSHIFT employees have read, signed and dated a copy of the 2007 order. Copies of the signed documents are retained within Human Resources.
2. All new employees are required to read and sign a copy of the same 2007 order.
3. Requests from customers for release of CPNI data are received by the respective Account Manager.
4. All requests are forwarded to and approved by the VoIP Product Manager.
5. A form letter with return-receipt service (sample attached) is sent by the VoIP Product Manager to the customer's point of contact on record within the original sales contract. The letter specifically acknowledges the request for CPNI data and requests notification if the POC did not make the request. The letter and the return receipt are scanned and stored within mindSHIFT's records.
6. A formal contract addendum (sample attached) is sent to the customer POC for execution. This document confirms the authorized account contact and address. It also gives precedence to the CPNI addendum in case of any conflict with other contract documents.
7. Once the executed contract is received by mindSHIFT, the Vice President of Product Development countersigns the document.
8. The document is scanned and stored within mindSHIFT's records.
9. A copy of the final document is sent to the customer for their records.
10. Following completion of the above activities, the report is sent to the customer.

Contact Information:

Robert Lanier  
Product Manager  
mindSHIFT Technologies  
571-643-7035  
[Bob.lanier@mindshift.com](mailto:Bob.lanier@mindshift.com)



## CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) ADDENDUM TO CUSTOMER AGREEMENT

Addendum Effective Date:

THIS CPNI ADDENDUM (the "Addendum") to the agreement dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Agreement") is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_ ("Customer", "you" or "your") and mindSHIFT Technologies, Inc. ("mindSHIFT", "we", "us", or "our"), and is binding when signed by Customer, provided it is subsequently accepted by mindSHIFT. Customer and mindSHIFT entered into the Agreement to which the parties now wish to add the terms below. Accordingly, the parties agree as follows:

**1. CPNI Procedures.** This Addendum and the Agreement govern, in part, the parties' authentication, delivery and disclosure procedures for CPNI. In addition to your other obligations contained in the Agreement, you and your users and/or account contacts will comply with the terms and conditions set forth below. You acknowledge and agree that you work with and will continue to work with our dedicated account representative with respect to Services including CPNI requests for the term of this Addendum. Authentication of you, the Customer, for CPNI or for other purposes may involve voice recognition by your dedicated account representative in lieu of more detailed information requirements prior to discussing CPNI or other information or requests via the telephone.

**2. Account Contact/Address of Record:** We may, upon your request and at our sole discretion, provide CPNI regarding any of your accounts, but only to (i) your current "care of" contact at your primary address of record and (ii) the following contacts you designate below at the accompanying addresses of record. We may deliver your CPNI by mail, by telephone, or by electronic means.

Account Contact: \_\_\_\_\_

Address of Record: \_\_\_\_\_

Account Contact: \_\_\_\_\_

Address of Record: \_\_\_\_\_

Account Contact: \_\_\_\_\_

Address of Record: \_\_\_\_\_

You acknowledge and agree (a) to the individualized CPNI authentication and delivery procedures set forth in this Addendum that may differ from standard procedures set forth in the Guide, used by other customers and/or provided in regulations and (b) that we may not disclose your CPNI in any manner contrary to the Agreement, this Addendum and our CPNI Guide.

**3. Account Contact Change:** To change your contacts, you will need to send us written documentation on your company letterhead of such change. We will then authenticate such request through any reasonable methods we deem appropriate.

**4. Indemnification:** You will indemnify and hold us, our affiliated entities and our and their respective employees harmless for any loss, damage, cost (including, without limitation, court costs and attorneys fees), suit or claim arising out of or related to CPNI disclosures, including, but not limited to, (1) the use or misuse of CPNI by you, your employees, or any other person or entity using the CPNI issued or delivered to you; and (2) the unauthorized disclosure of CPNI as a result of misauthentication of you, your employees, or any other person or entity claiming to be you or one of your employees.

**5. Miscellaneous:** This Addendum may not be modified or amended, except by a writing signed by both parties and as otherwise provided in this Addendum. Except as expressly modified by this Addendum, the Agreement will be and remain in full force and effect in accordance with its terms. In the event of a conflict between the terms of this Addendum and the Agreement, the terms of this Addendum will govern. Upon termination or expiration of the Agreement, this Addendum will automatically terminate. This Addendum will be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto. All capitalized terms used herein and not expressly defined herein will have the respective meanings given to such terms in the Agreement. mindSHIFT and Customer have caused this Addendum to be duly executed by their authorized representatives and effective as of the Addendum Effective Date.

Customer: \_\_\_\_\_

mindSHIFT: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

[Date]

[Customer Name]

[Customer Address]

[City, State, ZIP]

**Re: Customer Requested Information**

Dear Mr. / Ms. [Name]

mindSHIFT is in receipt of your [written/verbal] request, dated the \_\_\_\_day of \_\_\_\_\_, 20\_\_ in which you, on behalf of [company name]., requested mindSHIFT release certain information related to telephone numbers and calling statistics made via the mindSHIFT managed VoIP services.

Under Federal Regulations, specifically 47 C.F.R.§ 64, mindSHIFT is restricted to providing the requested information via mail, to a point of contact designated prior to this request. mindSHIFT has your name and address on file as that designated point of contact and as such you are being provided with this information.

If you did not make this request, please contact mindSHIFT Technologies immediately at the number below.

Should you have further questions or concerns, please feel free to contact us.

Sincerely,

Robert Lanier  
Product Manager  
45610 Woodland Road  
Suite 200  
Sterling, Virginia 20166  
Telephone: 571-643-7035  
Email: bob.lanier@mindshift.com

This summarizes the Customer Proprietary Network Information (“<sup>1</sup>CPNI”) Report and Order and Further Notice of Proposed Rulemaking (“CPNI Order”) that the Federal Communications Commission (“FCC” or “Commission”) released on April 2, 2007.<sup>2</sup> The CPNI Order modifies the rules for releasing and sharing CPNI, which also apply to providers of interconnected VoIP services. The memorandum lists the new requirements imposed by the CPNI Order.

## **CARRIER AUTHENTICATION REQUIREMENTS**

### ***Authentication Requirements for the Release of Call Detail Information***<sup>3</sup>

- The FCC adopted new restrictions on the release of call detail information, which includes any information that pertains to the transmission of specific telephone calls, including
  - The number called (for outbound calls) or the number from which the call was placed (for inbound calls);
  - The time of the call;
  - The location of the call; and
  - The duration of the call.<sup>4</sup>
- Carriers are prohibited from releasing call detail information based on customer-initiated telephone contact except under three circumstances:
  - A carrier may provide call detail information if the customer provides the carrier with a pre-established password.
  - A carrier may initiate a call to the telephone number of record and disclose call detail information.
  - A carrier may, at the customer’s request, send call detail information to the customer’s address of record.
- If a customer is able to provide to the carrier, during a customer-initiated telephone call, all of the call detail information necessary to address a customer service issue (*i.e.*, the telephone number called, when it was called, and if applicable, the amount charged for the call), then the carrier is permitted to proceed with routine customer care procedures.
  - Under these circumstances, carriers may not disclose to the customer any call detail information about the customer account, other than the call detail information that the customer provides, without the customer first providing a password.

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<sup>1</sup> *Implementation of the telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and other Customer Information; IP-Enabled Services*, Report and Order and Further Notice of Proposed Rule Making, FCC 07-22 (rel. Apr. 2, 2007) (2007 CPNI Order).

<sup>2</sup> *Id.*, ¶ 13.

<sup>3</sup> 47 C.F.R. § 64.2003(d).

- Although the FCC did not enact password protection for non-call detail CPNI, carriers remain subject to section 222's duties to protect CPNI, and thus carriers must authenticate a customer prior to disclosing non-call detail CPNI.
  - Carriers can determine the authentication method for the release of non-call detail CPNI that is appropriate for the information sought and consistent with their duties under section 222.

### ***Password Requirements***<sup>5</sup>

- Carriers may request that the customer establish a password at the time of service initiation.
  - Customers are not required to establish a password.
- For existing customers to establish a password, a carrier must first authenticate the customer without the use of readily available biographical or account information.
  - "Readily available biographical information" includes such things as the customer's social security number, the customer's mother's maiden name, a home address, or date of birth.
  - "Account information" includes such things as account number or any component thereof, the telephone number associated with the account, or the amount of the last bill.
- If a carrier already has password protection in place for an existing customer account, the carrier does not have to reinitialize the customer password.

### ***Online Access to CPNI***<sup>6</sup>

- Carriers are required to password protect online access to CPNI.
  - Carriers are prohibited from relying on readily available biographical or account information to authenticate a customer's identity before a customer accesses CPNI online.
  - A carrier must appropriately authenticate both new and existing customers seeking access to CPNI online.
    - Carriers are not required to reinitialize existing passwords for online accounts, but a carrier cannot base online access solely on readily available biographical or account information, or prompts for such information.
  - Carriers are allowed to create back-up customer authentication methods for lost or forgotten passwords in line with the back-up authentication methods established for customer-initiated telephone contact.
    - If a customer cannot provide a password or the proper response for the back-up authentication method to access an online account, the carrier must re-authenticate the customer prior to the customer gaining online access to CPNI.

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<sup>5</sup> 2007 CPNI Order, ¶ 15.

<sup>6</sup> *Id.*, ¶ 20.

### ***Notification of Account Changes<sup>7</sup>***

- Carriers are required to notify customers immediately of certain account changes, including changes to:
  - Passwords;
  - customer response to a carrier designated backup means of authentication;
  - online account; or
  - address of record.
- Notification may be through a carrier-originated voicemail or text message to the telephone number of record, or by mail to the address of record, as to reasonably ensure that the customer receives this notification.

I have read and will adhere to the regulations contained herein.

Name

Signature

Date

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<sup>7</sup>

*Id.*, ¶ 24.